

MEDINA LAW FIRM LLC

641 LEXINGTON AVENUE
Thirteenth Floor
New York, NY 10022
Telephone: (212)-404-1742
Facsimile: (888)-833-9534

A Limited Liability Company
www.medinafirm.com

1199 S. FEDERAL HIGHWAY
Suite 421
Boca Raton, FL 33432
Telephone: (954)-859-2000
Facsimile: (888)-833-9534

Eric S. Medina, Esq.^o

Writer's Email:
emedina@medinafirm.com

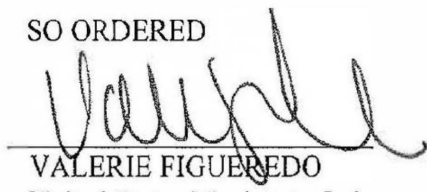
December 19, 2022

VIA CM/ECF

Hon. Valerie Figueredo, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *Honeedew Investing LLC vs. Jose*
Abadi Case No. 19-cv-08951-jpc
Status Report re October 20, 2022 Order Doc. No. 67 ("Order")

SO ORDERED


VALERIE FIGUEREDO
United States Magistrate Judge

Dated: 12-20-2022

Plaintiff's request that the Court allow a period of 45 days for Plaintiff to conclude collection of the materials sought pursuant to the outstanding third-party subpoenas is **GRANTED**. Defendant is afforded one final opportunity to respond to outstanding discovery requests or take any other action in this matter, and is hereby warned that failure to do so by **January 20, 2023** may result in imposition of sanctions, including an entry of default judgment against him. If Defendant fails to take action by this deadline, Plaintiff may move to strike Defendant's answer and/or move for default judgment.

Dear Judge Figueredo:

The undersigned together with Troutman Pepper Hamilton Sanders LLP are co-counsel to Plaintiff Honeedew Investing LLC ("Honeedew" or "Plaintiff") in the above-referenced matter. Pursuant to Your Honor's Order, please accept this status report on behalf of the Plaintiff. Plaintiff has not been contacted by defendant *pro se* Jose Abadi ("Defendant") in response to either the Court's Orders, nor the Plaintiff's correspondence to Defendant¹, as such the Plaintiff submits the foregoing on its own behalf in connection with the Order.

Plaintiff's complaint asserts various claims against Defendant for fraudulent conveyances of real estate and money, aiding and abetting fraud, fraud, and tortious interference. Defendant's illicit conduct stems from his involvement with his son, non-party Carlos Abadi and daughter-in-law Barbara Abadi ("Judgment Debtors"), relating to \$6.5 million dollar judgment Plaintiff holds against the Judgment Debtors. Defendant filed an answer to the Plaintiff's complaint in this matter and to the Plaintiff's amended complaint [Doc. No. 44], yet to date is in violation of his discovery obligations as further set forth in Plaintiff's letter motion of April 27, 2022 [Doc. No. 45] and September 2, 2022 [Doc. No. 64] all relating to Plaintiff's First Set of Document Demands transmitted February 22, 2022; First Set of Interrogatories transmitted February 22, 2022; and Second Set of Document Demands transmitted on April 29, 2022 (collectively, the "Outstanding

¹ Transmitted pursuant to Foreign Mailing Instructions promulgated by the Clerk's Office of the Southern District of New York and received by Defendant in November and as recently as today's date.

MEDINA LAW FIRM LLC

December 19, 2022

Page 2

Discovery”). As the Court may further recall, the Defendant has refused to sit for deposition and has otherwise failed to prosecute or defend this action. Accordingly, Plaintiff submits that it appears issuance of sanctions against the Defendant are appropriate.²

Plaintiff further reports that in connection with its prosecution of its claims there are presently two (2) outstanding third-party subpoenas for which Plaintiff notes responses are due on or about December 27, 2022. Although one such subpoena issued to non-party entity Decision Boundaries LLC³ was unable to be served at its registered agent office, Plaintiff has requested service be made via Secretary of State. The outstanding subpoenas seek information concerning transfers of money to the Defendant from the Decision Boundaries LLC entity and from Judgment Debtors.⁴ Accordingly, Plaintiff respectfully requests that the Court allow a period of 45 days for Plaintiff to conclude collection of the materials sought pursuant to the aforesaid subpoenas.

Thank you in advance for Your Honor’s consideration.

Respectfully submitted,

/s/ Eric S. Medina

Eric S. Medina, Esq.

cc: Jose Abadi (*via federal express*)

² Which notably the Court’s Order provided could include “striking of Defendant’s Answer and entry of default judgment against him.”

³ The non-party entity owned by Defendant which Defendant has used to funnel monies to the Judgment Debtors.